

ARE DEACONS MEMBERS OF THE CONSISTORY?

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Do deacons belong to the consistory or not? In both Presbyterian and Reformed circles, the answer is no. Presbyterians appear more consistent with this standpoint, however. In Presbyterian circles deacons hold their own meetings. They may advise the consistory of elders on various matters within their sphere of operation, but in general they are guided and directed by the ruling body of elders.

In many churches of continental Reformed persuasion, however, deacons and elders appear to function together as the effective ruling body of the church. Deacons are removed when discussion concerns pastoral matters, but the trend in many churches today is for more and more involvement of the deacons in the matters of the ruling consistory. One need only look at the current practice (and church order) of the Christian Reformed Churches of North America, to name but one example.

Why is it that so many 'modern' Reformed churches include deacons in so much consistory work? Of course the only way the point can properly be resolved, is by going back to the Word of God and determining there the way that Christ would have His church ruled.

Yet as a preliminary to that study, I would like to investigate in this article the more historical question. What is the origin of the deacons involvement in consistory matters in Reformed tradition? Is the current practice in many Reformed churches a move away from the Reformed heritage? As I hope to show, the current trend of including deacons in so many matters of the ruling consistory was certainly *not* the practice of the Reformed fathers.

The Arminian Challenge

At the great Synod of Dort 1618-1619 the Arminians challenged our Reformed fathers by arguing that the Belgic Confession article 30 was in conflict with the church order and Scripture, as regarding the constitution of the consistory, and ought to be changed. The church order indeed defined the consistory in terms of the minister(s) of the word and elders, excluding the deacons. It appeared that the Belgic Confession (art. 30) included the deacons in the consistory. Our fathers, however, did not accept this interpretation of the Confession and thus did not acquiesce to the demands of the Arminians in this respect.

What lay behind this decision? And what had been the actual rulings and practice of the Reformed churches up to this point in time with respect to the constitution of the consistory? In what follows I hope briefly to outline the developments and decisions of the Reformed churches in this respect, firstly of those in France, and then of those in the low countries.

The French Reformed Consistory

On May 25th, 1559 the first Synod of the French Reformed churches officially met with delegates representing 50 (out of a possible 75) local churches. At this first Synod the French Confession (drafted by Calvin) was adopted. Since this French Confession was to be the close model for De Bres' Belgic Confession, it is important to note that the French Confession does not make any allusion whatsoever to the constitution of a consistory (cf. art.29). Calvin himself (the draftsman) understood the consistory to be composed of elders (cf. *Inst.* IV:XI:6) and this was also the practice of the churches in Geneva.¹ However this first French Synod also published a church order (the *Discipline ecclesiastique*) which read in article 20:

The elders and deacons are the senate of the church over which the ministers of the Word must preside (i.e. as chairman).²

So while the Confession did not state it explicitly, the understanding of the French Reformed churches regarding the constitution of the consistory was at first different from Calvin (and also the Dutch tradition), as the French were in a number of other matters! Deddens in fact shows that the French conception of the task of a deacon was heavily influenced by Roman Catholicism (e.g. in matters pertaining to assistance with

1 A. D. R. Polman, *Onze Nederlandse Geloofsbelijdenis* (Wever: Franeker) vol.4, 25.

2 "Les Anciens et Diacres sont le Senat de l'Eglise, auquel doyvent presider les Ministres de la parole" (text cited from <http://kerkrecht.nl>).

preaching and sacraments, their understanding was identical to the relation between bishop and deacon in contemporary Roman Catholicism).³

This all changed with the seventh Synod of La Rochelle in 1571 under the very capable direction of the chairman, Beza, from Geneva. Here the church order was modified stating:

The ministers and elders are the consistory, over which the ministers must preside, and the deacons may assist whenever the consistory deems such appropriate.⁴

The eighth Synod of Nimes 1572, however, stated more fully:

The ministers of the Word of God, together with the elders, are the consistory of the church, over which the ministers must preside. And nevertheless the deacons may, and must, assist the consistory at the opinion of the latter. And the same (deacons), given that our churches due to the necessity of the times up until now have happily used the aforementioned deacons in the government of the church, as exercising in addition the office of the elders, the deacons who will thus henceforth be chosen or continue, will have together with the pastors and elders the government of the church.⁵

Here we see that the French inclusion of the deacons with the consistory was *not* because they viewed the office of deacon as a ruling office, but because they viewed their deacons as called at the same time to be assistant elders. At this synod they were evidently able to give some “after the fact” justification of their actual practice, while at the same time being careful not to blur (theologically) the Scriptural distinction between the office of elder and that of deacon. Nevertheless, this Synod still did not permit deacons to take part in discussion of discipline cases.⁶

The Belgic Confession and the church order

Turning to the Reformed churches in the low countries, we come first to the Belgic Confession of Guido de Bres, published in 1561. As we have said, this was very closely modelled on the French Confession of 1559, yet the wording with respect to the offices of the church is slightly different. In article 30 it states:

We believe ... that there (must) also be overseers and deacons in order for them, together with the pastors, to be as a council of the church. (literal translation)⁷

Rutgers, the well known expert in church polity at the beginning of the twentieth century, noting the “as” (Dutch “als” and Latin *quasi*), points out that the confession at this point is merely making a comparison between the officers of the church and the senators on a town council. No church-political point is made regarding the proper composition of a consistory. The general task of each office is merely circumscribed (which a reading of the complete article clearly shows).⁸

This was also the explanation current at the time of the Synod of Dort (1618-19). The explanation was challenged some years later by the Englishman Selden (an Erastian delegate to the Westminster Assembly) who alleged that the Synod of Dort had changed the meaning of the Confession by introducing the word

3 P. Deddens, *De Positie van de Diakenen ten aanzien van den Kerkeraad* (Rotterdam: Bureau Stichting “De Vrije Kerk,” 1948) 16.

4 “Les Ministres et Anciens sont le Consistoire auquel les Ministres doivent presider, et y peuvent assister les Diacres quand le Consistoire advisera estre bon.” Cited in Isaac d’ Huisseau, *La discipline des églises réformées de France* (Desbordes: Geneva, 1667) 183.

5 “Les Ministres de la parole de Dieu, et les Anciens sont le Consistoire de l’Eglise, ausquels les Ministres doivent presider. Et neantmoins les Diacres pourront, et devront, assister au Consistoire par l’avis d’iceluy: et mesmes veu que nos Eglises pour la necessité des temps ont jusques icy heureusement employé lesdits Diacres au gouvernement de l’Eglise, comme exercans aussi la charge d’Anciens; les Diacres qui seront ainsi doresnavant esleus ou continuez, auront avec les Pasteurs et Anciens le gouvernement de l’Eglise.” d’ Huisseau, *loc.cit.*

6 Polman, *op.cit.* vol.4, 28.

7 “Wij geloven ... dat er ook Opzieners en Diakenen (moeten) zijn, om met de herders te zijn als een raad (Lat. quasi senatus) der Kerk.” Note that the points made in the following discussion are made with respect to the official text of the Confession. The English translation in common use today is misleading at this point.

8 F. L. Rutgers, *Kerkelijke Adviezen* (Kok: Kampen, 1921) vol.1, 277.

quasi (= “as”) in the Latin translation. Voetius (a delegate to the Synod of Dort), however, took Selden to task, showing that in all the versions of the Confession prior to the Synod of Dort the text read “als een Raedt der Kercke” (“as a council of the church”), thus intentionally distinguishing the officers and authority of the church from that of the state.⁹ In fact, it is often forgotten that in the late 16th century, as the states in the Lowlands were slowly freed from Spanish control, a new battle was raging. It was a battle for control of the churches. The churches desired to remain self-governing, but in many places the local magistrates fought for control of the church. An example of how this played out in Leiden, with consequences much broader than one city, can be seen in my online essay on Casper Coolhaes. Even the terminology ‘consistory’ versus ‘kerkeraad’ (*lit.* ‘church-council’) was in dispute. The term church-council was thought to be highly controversial precisely because it seemed to setting up a *rival council* to that of the city. The term ‘consistory’ was considered to be more neutral, not implying a definite stand on the issue. For this reason, Erastians like Coolhaes objected to the term ‘church-council’ and took objection to article 30 of the Belgic Confession. We may therefore conclude that while the Belgic Confession did not make any definitive statement on the constitution of the consistory, the point that it *is* making is that the church has a government and office bearers *separate* to that of the state.

In 1568 as Petrus Dathenus prepared for the possibility of the establishment of a public Reformed church federation, he composed a church order in Wesel signed by many Reformed people in exile at the time. This document clearly stated that deacons are not part of the consistory.¹⁰ Yet the first Synod in Emden 1571 (which was highly influenced by the French, who sent delegates) stated that deacons *were* to be part of the consistory!¹¹

At the Synod of Dort 1574 any confusion was cleared up with a declaration concerning the intent of the decision of the Synod of Emden:

In explanation of the 6th article of the Synod of Emden: The ministers of the Word, elders and deacons shall form the consistory, such that the ministers and elders shall assemble together alone, and also the deacons shall assemble separately in order to handle the business concerning the poor. However, in places where there are few elders, the deacons may be admitted (to the elders meeting) according to the desire of the consistory. The deacons must attend whenever they are called to do so by the consistory.¹²

This way of putting things was continued by the various successive Synods in the low countries. Thus the Synod of Middelburg 1581 stated:

There shall be a consistory in all churches, consisting of Ministers of the Word and Elders.¹³

In answer to a particular question as to whether the deacons may be allowed to attend consistory meetings where there are few elders, the Synod said:

It is permitted as often as the consistory requests their counsel and help. In addition they may also ordinarily attend consistory so (long as) they serve both offices, that of elder and that of deacon.¹⁴

9 *Politica Ecclesiastica*, Pars III, Lib.I Tract.I Cap.VII, p.62ff. Note too that in a similar way the Genevan Ecclesiastical Ordinances of 1541 and 1561 spoke of the four offices for the government of the church (minister, teacher, elder, deacon) whilst deacons were at the same time excluded from the consistory. No contradiction between terminology and practice was understood by this way of speaking.

10 See cap.2 & 3; cap.4:1,3,5,7,9,10ff. On the document itself, see now J. Spohnholz, *The Convent of Wesel: The Event that Never was and the Invention of Tradition* (Cambridge: University Press, 2017).

11 F. L. Rutgers (ed.) *Acta van de Nederlandsche Synoden der 16^e eeuw* (s’Gravenhage, 1889) 58.

12 “Tot verclaringhe des 6 artikels des Embdtschen Synodi, soo sullen de Dienaers des Woordts, Ouderlinghen ende Diakenen de Consistorie maecken, Alsoo, dat de Dienaren ende Ouderlinghen alleen onder hen versamelen sullen, oock de Diaconen bijzonder, om hare eijghen saecken die d’ armen aengaen te verhandelen. Doch in plaetsen daer weinich Ouderlinghen sijn sullen de Diakenen toeghelaten mueghen worden na de begheerte der Consistorie. Ende de Diaconen sullen ghehouden worden te verschijnen, wannerse inde Consistorie beroepen worden.” Rutgers (ed.), *Acta*, 139.

13 “In allen Kercken sal een Kerckenraedt zijn, bestaende vut Dienaren des Woordts ende Ouderlinghen...” Rutgers (ed.), *Acta*, 385-86.

Here again we see that, as with the French churches, when deacons were allowed to attend consistory meetings they were considered to be functioning not as deacons but as elders. In the Dutch tradition the deacons' attendance tended to be restricted to cases where there were very few elders. It should also be noted that the deacons were added for counsel and assistance, but nowhere is it said that they thereby became part of the consistory proper. The idea was to include them for the sake of extra wisdom in discussion. The wording is in fact so cautious that it seems very doubtful that they ever had voting rights (even in cases of few elders). This is confirmed by the later objection of the Arminians to the Belgic Confession, for part of their objection was that the Belgic Confession seemed to them to suggest that deacons could have such voting rights (a practice unheard of!). The Synod of s'Gravenhage 1586 continued the same line and added the wording that was to become standard for centuries:

And where the number of Elders is very small, the deacons shall be taken up along with the consistory.¹⁵

Again the wording is cautious and does not actually say that in such instances the deacons form part of the consistory itself. This wording was only slightly changed by the Synod of Dort 1618-1619, which stated that "the deacons *may* be taken up along with the consistory." In addition to this the church order ratified by the Synod also requires that the deacons be involved when ministers, elders or deacons are elected to office.¹⁶

As we have noted, at this Synod the Arminians argued that the Belgic Confession gave deacons voting rights on consistory.¹⁷ However the Synod left the Confession as is, understanding the relevant clause not to be speaking of the constitution of a consistory (see above). Therefore it did not see any contradiction between the Confession (art.30) and the Church Order. Finally, we ought to note that the form for ordination long in use by the Reformed churches provides not a hint of deacons having to take time in decision-making together with the elders. Their work is solely described in terms of the ministry of mercy, taking its starting point in Acts 6.

In conclusion then, we see that from the beginning of the Reformation the general Reformed line has been to limit the constitution of the consistory to elders only and to permit deacons at times to attend (especially when the number of elders is few) and to give their wisdom, but not to allow them any part in the ruling of the church. When deacons attend such consistory meetings, Reformed polity has consistently considered them *not* to be functioning in their office as deacon, but to be performing a special service and as such functioning as an elder.

It may be of interest to note that in 1644 four deacons from Rotterdam desired to be considered part of the consistory. When the consistory refused they appealed to the classis using as argument the decision of the Synod of Emden 1571 cited above. The classis denied the appeal so the brothers appealed to the next national synod which was never held.

At the Synod of Utrecht 1905, the relevant article of the Church Order was modified to state:

And where the number of the Elders is small, the Deacons may be taken up along with the consistory according to local regulation; the which shall always occur where the number is less than three.¹⁸

14 "Oft den kercken, de welke weynighe Ouderlinghen hebben, gheoorloft is den Diaconen tot den kerckenraedt toe te laeten? Antw. Het is gheoorloft soe dijkwils die kerckenraedt haeren raedt ende hulpe van doen sal hebben. Bouen dien sullen sy oock ordinaerlyck daer by moeghen wesen, soe zy beyde het ampt des Ouderlinckschaps ende Dyaconschaps bedienen." Rutgers (ed.), *Acta*, 405.

15 "Ende daer t'ghetal vanden Ouderlinghen seer cleyn is, sullen die Diakenen mede tot den Kercken-Raet ghenomen worden." Rutgers (ed.), *Acta*, 495.

16 See articles 4, 5, 10 and 22. The point is that more people get involved. Note that for the election of elders and deacons even those who have previously served in these offices are to be involved in the election.

17 *Acta et Scripta synodalia dordracena ministrorum remonstrantium*: I:96f. It should be noted that the Arminians at the time were attempting to find as many contradictions in the Confession as they could, for part of their general platform was that the Confession could not be held to be stringently binding on all office bearers. Thus their attempt at this point, to show the Confession to be in conflict with the Church Order and practice of the Reformed Churches.

18 "En waar het getal van de Ouderlingen klein is, zullen de Diakenen door plaatselijke regeling mede tot den Kerckeraad kunnen genomen worden; hetgeen altijd geschieden zal, waar dit getal op minder dan drie is bepaald." (Text cited from

Given the clear history of the Reformed practice on this matter, we as churches should be extra careful to be sure that we have solid Biblical grounds if we choose to depart from traditional Reformed church polity. We ought not to think that this is merely a Presbyterian versus continental Reformed matter. It is rather the Reformed position that the consistory only consists of the elders. When deacons are consulted or taken up with the consistory, they are considered to be functioning *as elders*.

The Situation in the Free Reformed Churches of Australia

The church order of the FRCA reflects that of the Synod of Dort in many ways. Article 36 defines the consistory as composed of the minister(s) of the Word and the elders. Just as in the church order of Dort, the consistory together with the deacons are involved in the election of ministers, elders and deacons (art. 3 and 7). In conjunction with this, two matters not addressed in the church order of Dort also involve deacons, namely the declaration of honourable discharge for a minister (art. 6) and the possibility of a dismissal of a minister (art. 14), that is, a dismissal without discipline.

A real difference to the church order of Dort appears in the second half of article 36 where it is stated:

The consistory shall also meet regularly with the deacons to deal with those matters as described for that purpose by the Church Order, and further with all things which the consistory considers necessary for the general management, including the material affairs of the church.

The presupposition here appears to be that the deacons are to be consulted on questions of general management, which in any case include the material affairs of the church. These are matters which these days are generally dealt with by a Committee of Management. Strictly speaking then, the Australian church order would require the presence of the deacons when matters concerning the C.O.M. are dealt with. Rev. Van Rongen in his comments on this article, however, goes even further when he suggests that the collection roster should also be dealt with in the presence of the deacons. Given that the collection roster ought to be concerned with collections for the needy (see Heid. Cat. LD 38), this would seem appropriate.

Does this strict interpretation of article 36 C.O., however, actually square with current practice in the FRCA? I cannot speak for all the churches, but it seems to me that the words “meet regularly” often seem to be interpreted as “monthly”. Obviously if consistory must meet monthly with the deacons, more needs to be discussed than election of office bearers, questions relating to the C.O.M. and the annual collection roster. And in practice these meetings do in fact often discuss many more activities relating to the general governance of the church. One sometimes reads of such meetings being called “meetings of the council”. This appears to stem from an incorrect reading of article 30 of the Belgic Confession, which also brings us to the way in which this article has been translated into (Canadian) English. The version in the Book of Praise reads:

There should be ministers or pastors to preach the Word of God and to administer the sacraments; there should also be elders and deacons who, together with the pastors, form the council of the church.

The original wording that the ecclesiastical office bearers are *as* a council of the church has unfortunately been lost in translation.¹⁹ Nevertheless, the article still serves to confess that Christ has appointed a Spiritual government for His churches separate from the government of the state. The original simile has been turned into a metaphor. It is this separate Spiritual government, organised in three offices, which it is the burden of this article to describe. This Spiritual government can be compared to the “council” of civil government. Just as the local civil government has office bearers involved in governing the community, known as the council, so also the church has its ‘council’ (i.e. government) whereby Christ has appointed various office bearers to various different tasks. When consistories describe meetings of consistory with the deacons as “meetings of the council” they have *misunderstood* what we actually confess here.

<http://kerkrecht.nl>

19 I am not aware of any discussion indicating that the original comparative statement was changed deliberately.

In practice the FRCA is in danger of going down the very modern route, first taken by the synodical Reformed Churches, of including the deacons in the day to day governance of the church. Often they are only excluded from pastoral and discipline matters. This inclusion of the deacons in matters outside of financial management (which itself is a change from traditional Reformed policy) goes further than the church order and, I fear, is even done without understanding that in many matters where deacons meet with consistory, *the deacons are actually functioning as elders*. This was always the point in Reformed church polity. This is especially so with the requirement that deacons meet with the elders when the consistory is small.

In this last case, described in article 37 of the church order, there is another striking change to traditional Reformed church polity. The article reads:

Where the number of elders and deacons is small the deacons may be added to the consistory by local arrangement. This shall invariably be done where there are less than three elders and less than three deacons. In these circumstances matters pertaining to supervision and discipline shall be handled with the advice of the deacons and matters pertaining to the office of deacons with the advice of the elders.

Here it is not only that a small consistory is to be augmented by deacons (functioning as acting-elders), but also that elders must function as acting-deacons for the deacon meetings!

I would like to plead that we in our practice return to a strict following of our own church order. This ought to entail that consistory meetings with the deacons certainly do not need to be held every month. Brief “combined-meetings” should suffice. It would also enable the deacons to focus on the matter of their office, the ministry of mercy. When examining our church order, we ought to keep in mind the *two* distinct kinds of matters for which deacons need to be present. Firstly, those matters pertaining to their office with respect to the ministry of mercy. Secondly, there are the additional matters indicated in the church order with which the deacons need to be present in the function of *acting-elders*. This has traditionally been a part of the way in which Reformed churches use their deacons, except for the fact that the *Australian* church order widens this use of deacons as *acting-elders*. The following list contains the main items:

Matters pertaining to Deacons as Deacons

- Deacons quarterly report (art.21)
- Collection roster (primarily for the needy, see LD 38)
- Periodic evaluation
- censura morum (art.78)
- Ratification of Acts in so far as they concern the ministry of mercy
- Mission matters in so far as they concern the ministry of mercy
- Church visitation

Matters pertaining to Deacons as Acting-elders

- Annual budget and C.O.M. Presentation (art.36)
- Calling to office and matters related to the calling and dismissal of ministers (art.3, 6, 7, 11, 14, 23)

Let us allow the deacons to focus on their diaconal task and give back to the elders their task of ruling Christ’s flock.